IN THE HIGH COURT OF UTTARANCHAL,
NAINITAL.

WRIT PETITION NO. 7099 OF 2001 (S/S).

U.P. State Road Transport Corporation, through Regional Manager, Dehradun, district Dehradun.

…… Petitioner.

Versus

1.Labour Court, Uttar Pardesh, Dehradun, district Dhradun.
2.Deep Singh Aswal, S/o Sri Chand Aswal, Service Manager Office, U.P.S.R.T.C. Dehradun.

…….. Respondents.

Sri B.D.Kandpal and Sri A.N.Aharma, learned counsel for the petitioner.
Sri M.C.Pant, learned counsel for respondent no.2.

27.09.2005.

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of Certiorari quashing the impugned order dated 13.09.2001, passed by respondent no.1, Presiding Officer, Labour Court Dehradun in Misc. case No.252 of 2001.

Brief facts of the case, according to the petitioner, are that a claim application was filed by respondent no.2 under section 33-C(2) of Industrial Disputes Act for payment of arrears of difference of salary, leave encashment and arrears of Dearness Allowances arose out of implementation of the recommendation of the 5th Pay Commission to the petitioner department. The learned Tribunal, after considering the entire evidence on record, ordered the petitioner to pay an amount of Rs.33,586/- to the workman within a period of three months in respect of payment of arrears due to pay fixation and payment of leave encashment alongwith the cost of Rs.300/- as litigation expenses. Feeling aggrieved, this writ petition has been filed.

I have heard leaned counsel for the parties and perused the entire evidence on record.

The learned Tribunal has rightly recorded the finding and reached to the conclusion that since the workman was retired from the service, hence the delay in making the payment was not justified because by the said conduct of the petitioner, the workman was being deprived of from his legal right. Accordingly, the learned Tribunal ordered the petitioner to pay an amount of Rs.33,586/- to the employee-workman alongwith Rs. 300/- as litigation expenses within three months.

I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which does not call for any interference.

The writ petition is devoid of merit and is dismissed. No order as to costs.

(P.C. Verma, J)

Dated: 27.09.2005.
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